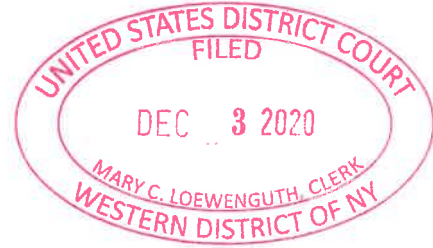


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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WENDY F. SHAW,

Plaintiff,

v.

19-cv-311 (JLS) (HBS)

TOWN OF PORTER,

Defendant.

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### **DECISION AND ORDER**

On March 8, 2019, Plaintiff Wendy F. Shaw commenced this action against her employer, Defendant Town of Porter, for sex discrimination and retaliation pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* Dkt. 1. The Town answered on April 9, 2019. Dkt. 2. On April 10, 2019, this Court<sup>1</sup> referred this case to United States Magistrate Judge Hugh B. Scott for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Dkt. 3.

On April 9, 2020, the Town moved for summary judgment. Dkt. 11. Shaw responded on May 14, 2020. Dkt. 13. The Town replied on June 5, 2020. Dkt. 15. On October 23, 2020, Judge Scott issued a Report and Recommendation (“R&R”), recommending that the motion for summary judgment be granted. Dkt. 16. The

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<sup>1</sup> Judge Vilardo was originally assigned to this case and made the referral to Magistrate Judge Scott. On February 18, 2020, this case was reassigned to Judge John L. Sinatra, Jr. Dkt. 10.

parties did not object to the R&R, and the time to do so has expired. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Scott's R&R. Based on that review and the absence of any objections, the Court accepts and adopts Judge Scott's recommendation to grant Defendant Town of Porter's motion.

### CONCLUSION

For the reasons stated above and in the R&R, Defendant Town of Porter's motion for summary judgment, Dkt. 11, is GRANTED. The Complaint, Dkt. 1, is DISMISSED. The Clerk of Court shall mail a copy of this Decision and Order to Shaw at her current address. The Clerk of the Court shall close the file.  
SO ORDERED.

Dated: December 3, 2020  
Buffalo, New York

  
JOHN L. SINATRA, JR.  
UNITED STATES DISTRICT JUDGE